

Government
Exhibit

3500 - TN - 3
13-CR-607(JFB)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PHILLIP A. KENNER, TRUST) NO. CV2012-055576
BENEFICIARY, THE SHANGRI-LA)
TRUST 1999,)
)
 Plaintiff,)
 vs.)
 JOHN KAISER, TRUSTEE, THE)
 SHANGRI-LA TRUST 1999;)
 JOHN KAISER, a married man;)
 ELIZABETH KAISER, a married)
 woman; JOHN AND JANE DOES I-VII,)
)
 Defendants.)
 JOHN R. KAISER, a married man as)
 his sole and separate property;)
 BRYAN BERARD, an unmarried man,)
)
 Counterclaimants.)
 vs.)
 PHILIP A. KENNER, a single man,)
)
 Counterdefendant.)
 TYSON and KATHY NASH, husband)
 and wife; DARRYL SYDOR; JERE)
 LEHTINEN; DIMITRI KHRISTICH;)
 WILLIAM RANFORD,)
)
 Intervenors.)

Nash confirms that Kenner was not
part of the GSF
...while being deposed by Jowdy,
Kaiser and Berard's attorney in
Arizona...

DEPOSITION OF TYSON NASH

Phoenix, Arizona
September 17, 2014
9:13 a.m.

Prepared for: BARTLOWE REPORTING SERVICES
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BY: CRYSTAL BARTLOWE, RPR
Arizona Certified Reporter #50198

Kenner vs. Kaiser September 17, 2014
Deposition of Tyson Nash

1 Q. What's your understanding of the purpose of 2 the Global Settlement Fund? 3 A. The Global Settlement Fund, um, my 4 understanding it was -- it's very broad. It was gonna 5 be used for a number of things. 6 Q. What were those things? 7 A. <u>When Tommy Constantine approached me about</u> 8 it in my house, asking for the money, it was gonna be 9 used for basically to try and fix a lot of the wrongs 10 that, um, had been done to us over the years, with the 11 lawsuits, with Cabo, with Hawaii, with -- I guess all 12 of it that we had invested in over the years, pay 13 lawyers. 14 Q. Can you explain that a little bit more? 15 What issues, what troubles, what lawsuits? 16 A. Um, I think the main one was the lawsuit in 17 Cabo with Ken Jowdy, dealing with that. They needed 18 extra funds to -- to basically -- at that time it was 19 supposed to finish the deal. We were -- we were gonna 20 finally cross the finish line, they both loved to say, 21 um, and we needed to put more money into it, and on 22 top of the money that we put in, we were also gonna 23 gain more interest in current investments that we had 24 already been involved with. 25 Q. When you say, "they loved to say" that, who	Page 10 1 you the money was used? 2 A. Yes. He tried to show me on the 3 white board where it all went to and -- 4 Q. Do you remember where it went to? 5 A. No, I don't. 6 Q. Do you remember when that occurred? 7 A. No, I don't. 8 Q. Did you talk with Phil Kenner about this 9 Global Settlement Fund? 10 A. No. 11 Q. Could I see Exhibit 1, please. 12 Take a look at this, please. This is 13 Exhibit 1. If you could look at the third page. Do 14 you see the entry on June 10th of 2009? It says, 15 "K. Nash"? 16 A. Sorry. Where am I? 17 Q. June 10th, 2009. 18 A. June 10th. I don't see a 10 here. Am I 19 missing something here? 20 MR. BAKER: No. It's in microprint. 21 Q. BY MS. LAVONIER: It's very small. It's 22 down -- it's down -- quite a ways down. Yeah, keep 23 going. You're getting close. 24 A. Oh, here we go. Yep. Yes. 25 Q. And how much does it say that was credited
1 was "they"? 2 A. Tommy and Phil. 3 Q. And so the purpose was to try to resolve 4 some of these issues that were going on in Cabo? 5 A. In Cabo and a lot of the other investments, 6 I believe, yes. I, I wasn't privy to everything, 7 but -- 8 Q. Did you contribute to the Global Settlement 9 Fund? 10 A. Yes, I did. 11 Q. Do you remember how much you contributed? 12 A. 100,000. 13 Q. Do you remember when that was? 14 A. No, I don't. 15 Q. Did you ever receive an accounting of how 16 the money in the Global Settlement Fund was used? 17 A. Tommy Constantine had gone over it with me 18 at one -- at one point, basically showing me where it 19 had all gone and went to, on one of his white boards 20 in his Eufora building. Other than that, I had spoke 21 to his accountant, I believe, at one -- at one point 22 as well. 23 Q. Do you remember who that accountant was? 24 A. I don't. 25 Q. Do you remember how Tommy Constantine told	Page 11 Page 13 1 to the account? 2 A. 100,000. 3 Q. And K. Nash, is that you? 4 A. That's my wife. 5 Q. And you would have authorized her to make 6 this transfer? 7 A. Yes. 8 Q. And that's the extent of your contribution 9 to the Global Settlement Fund? 10 A. That's correct. 11 Q. So only Tommy Constantine kept you updated 12 as to what was going on in the Global Settlement Fund? 13 A. Yeah, I never asked a lot of questions, no. 14 Phil was typically who I talked to, but Tommy was, 15 from my understanding, the main guy behind the Global 16 Settlement Fund. 17 Q. After you contributed the money, weren't 18 you curious how the money was being spent within the 19 Global Settlement Fund? 20 A. Yes, I was, especially at the end. 21 Q. Those were the questions you were asking 22 Tommy Constantine? 23 A. Yeah, both, I guess. At some point -- at 24 the end of it all, I believe -- I don't really know a 25 lot about the Global Settlement Fund, to be honest.